IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

MARVIN L. WHISBY and COMEIKO R. WHISBY,))
Plaintiffs,)
v.) CIVIL ACTION NO. 5:12-CV-55(MTT)
BANK OF AMERICA, N.A., et al.,	
Defendants.)
)

ORDER

This matter is before the Court on Defendant Promiss Solutions, LLC's ("Promiss") Motion for More Definite Statement. (Doc. 8). The Plaintiffs did not respond to the Motion. For the reasons set forth below, the Motion is **granted**.

Pursuant to Federal Rule of Civil Procedure 12(e), "[a] party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response." Fed. R. Civ. P. 12(e). "The basis for granting a motion for more definite statement is unintelligibility, not lack of detail; as long as the defendant is able to respond, even if only with simple denial, in good faith, without prejudice, the complaint is deemed sufficient." *S.E.C. v. Digital Lightwave, Inc.*, 196 F.R.D. 698, 700 (M.D. Fla. 2000) (citation omitted).

Promiss claims the Plaintiffs' complaint is incomprehensible and that, as a result, it cannot adequately prepare a responsive pleading. The Court agrees. The Plaintiffs'

complaint consists almost entirely of a list, with no accompanying explanation or factual support, of alleged "Violations of Federal and State Constitutions, Codes, and Case Laws." (Doc. 1 at 3-4). Although there are some facts related to the Plaintiffs' claims included in the complaint, the Plaintiffs never mention Promiss, nor do they allege any specific wrongdoing on its part. Thus, the Court concludes that the Plaintiffs' complaint lacks sufficient information to permit Promiss to prepare an adequate responsive pleading. The Plaintiffs are hereby **ordered** to restate their claims against Defendant Promiss Solutions, Inc. The restated complaint should include, but is not limited to, information related to the specific acts of Promiss that the Plaintiffs allege amount to violations of law. Failure to submit an amended complaint within 14 days of the date of this order may result in dismissal of the Plaintiffs' complaint with prejudice.

SO ORDERED, this 21st day of August, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT